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GENERAL REFERENCES

Smoking in bars -- See Ch. 159.

**§ 11-1 Title**

1 This chapter shall be known and may be cited as  
2 the "Talbot County Alcoholic Beverages  
3 Ordinance."

**§ 11-1.1 Definitions**

5 **A.** Alcohol dispensary -- a commercial  
6 enterprise licensed or seeking a license to  
7 engage primarily in the retail sale of  
8 packaged alcoholic beverages with such  
9 beverages occupying at least seventy five  
10 percent (75%) of the sales area.

11 **B.** Café -- a limited food service facility not to  
12 exceed 20 seats located in a marina that  
13 regularly prepares and serves full meals,  
14 which may include a sandwich menu.

15 **C.** Convenience store -- a small-scale retail  
16 store less than 8,000 square feet located to  
17 serve highway or neighborhood demand for  
18 light food service, sandwiches, or snack  
19 foods for immediate consumption or carry  
20 out, having a limited selection of grocery  
21 items, over-the-counter medicines,  
22 cosmetics, and household supplies, licensed  
23 or seeking a license to offer limited beer  
24 and light wine items occupying not more  
25 than twenty-five percent (25%) of the sales  
26 area. Convenience stores do not include  
27 locations that dispense petroleum products  
28 for motor vehicles.

29 **D.** Hotel -- a lodging place offering overnight  
30 sleeping accommodations with at least  
31 twenty-five (25) bedrooms having a food  
32 service facility that regularly prepares and  
33 serves meals on the premises where  
34 alcoholic beverages are to be sold.

35 **E.** Restaurant -- a food service facility with  
36 capacity to seat at least twenty (20) persons,  
37 counting any outdoor seating, regularly  
38 serving at least two meals per day, which  
39 may include a sandwich menu, that  
40 maintains a kitchen staffed for serving food  
41 that opens within one hour after the facility  
42 opens and remains in continuous operation

43 until at least two hours before alcoholic  
44 beverages are no longer served.

45 **F.** Supermarket -- a retail grocery or food store  
46 that contains a sales area of not less than  
47 16,900 square feet in which at least 80% of  
48 the sales area is devoted to the retail sale of  
49 food and food related products.

50 **G.** Theater, nonprofit -- a qualified business  
51 organization operating as a nonprofit or  
52 charitable organization under Maryland  
53 law, or that has been determined to be an  
54 exempt organization pursuant to Section  
55 501 (c) (3) of the Internal Revenue Code  
56 that is (1) housed within a building; (2) has  
57 a minimum seating capacity of 100 persons;  
58 and, (3) regularly presents live enter-  
59 tainment as part of its schedule.

**§ 11-2 Purpose**

61 The County Council declares that the purpose of  
62 this chapter is to regulate the retail sale of  
63 alcoholic beverages within Talbot County,  
64 pursuant to the authority granted in § 18-101 of  
65 Article 2B of the Annotated Code of Maryland.  
66 The regulations, provisions, restrictions and  
67 penalties contained in this chapter are for the  
68 protection, health, welfare and safety of the  
69 citizens of Talbot County.

**§ 11-3 Administration by Board of Liquor License Commissioners**

72 This chapter shall be administered and enforced  
73 by the Talbot County Board of Liquor License  
74 Commissioners (the "Board"). The Board may  
75 adopt such written rules and regulations as it  
76 deems necessary to carry out the provisions of this  
77 chapter, subject to the approval of the County  
78 Council. Chapter 60, Ethics, Talbot County Code,  
79 shall apply to members of the Board.

**§ 11-4 Beer and light wine licenses**

**A. Beer and light wine license, Class A (off-sale) alcohol dispensaries, supermarkets, and convenience stores**

84 (1) General provisions. A Class A beer and  
85 light wine license shall be issued only to  
86 alcohol dispensaries, supermarkets, and con-  
87 venience stores, and shall authorize the holder  
88 thereof to keep for sale and sell beer and light

89 wine, at retail, in any quantity to any con-  
 90 sumers, at the place described in the license, in  
 91 a sealed package or container, which package  
 92 or container may not be opened nor its  
 93 contents consumed on the premises where  
 94 sold. Notwithstanding the limitation on the  
 95 issuance of a Class A license to alcohol  
 96 dispensaries, supermarkets, and convenience  
 97 stores set forth above, any holder of a Class A  
 98 license, lawfully issued and validly existing on  
 99 the effective date of this ordinance shall be  
 100 entitled to renew the same at the existing  
 101 location provided that all such applications for  
 102 renewal otherwise comply with all then-  
 103 existing ordinance, laws, and regulations, as  
 104 amended from time to time.

105 (2) Hours. The hours during which the  
 106 privileges conferred by a Class A license may  
 107 be exercised shall be from 6:00 a.m. to 12:00  
 108 midnight, except on Sunday the hours shall be  
 109 from 8:00 a.m. to 12:00 midnight.

110 (3) Light wine and beer tasting, alcohol  
 111 dispensaries. Other provisions of this chapter  
 112 to the contrary notwithstanding, the holder of a  
 113 valid Class A license issued to an alcohol  
 114 dispensary shall be authorized to serve not  
 115 more than one ounce from no more than three  
 116 bottles or containers of beer or light wine to  
 117 any one person for sampling or tasting  
 118 purposes. Once opened, any bottles or  
 119 containers of beer or light wine to be sampled  
 120 shall be accurately and specifically marked for  
 121 sampling or tasting purposes only or shall be  
 122 discarded and shall not be offered for sale. The  
 123 contents of any bottle or container opened for  
 124 sampling or tasting purposes shall not be  
 125 mixed with any other bottle or container. Any  
 126 beer or light wine sampling or tasting  
 127 authorized by this section shall be permitted  
 128 on the licensed premises only.

129 (4) Class A licenses for any supermarket shall  
 130 require that the alcoholic beverages be kept  
 131 and offered for sale exclusively in an enclosed  
 132 area separated from the main sales area by  
 133 permanent walls or partitions at least 8 feet  
 134 high.

135 (5) Notwithstanding the requirement for a  
 136 separate sales area for alcoholic beverages set  
 137 forth in paragraph (4) above, any supermarket  
 138 holding a Class A license lawfully issued and  
 139 validly existing on the effective date of this  
 140 ordinance shall be entitled to renew the same

141 at the existing location without compliance  
 142 therewith. Existing Class A licenses that are  
 143 exempt from such requirement under this  
 144 provision may be transferred to a new owner  
 145 or location subject to the requirements of  
 146 paragraph (4) at any new location and  
 147 compliance with all of then-existing ordi-  
 148 nances, laws, and regulations, as amended  
 149 from time to time, but without regard to  
 150 compliance with the market-test in § 11-8 D.

#### 151 **B. Beer and light wine license, Class B (on-** 152 **sale), hotels and restaurants**

153 (1) General provisions. A Class B beer and  
 154 light wine license shall authorize the holder  
 155 thereof to keep for sale and sell beer and light  
 156 wine, at retail, at any hotel or restaurant, at the  
 157 place described in the license, for consumption  
 158 on the premises.

159 (2) From and after the effective date of this  
 160 ordinance the application for issuance or  
 161 renewal of a Class B license shall also include  
 162 all information required to obtain a caterer's  
 163 endorsement in accordance with § 11-6A.  
 164 Subject to all requirements otherwise  
 165 applicable to a caterer's endorsement, all Class  
 166 B licenses issued or renewed after this  
 167 ordinance becomes law shall include a  
 168 caterer's endorsement as part of their issuance  
 169 or renewal, unless the applicant affirmatively  
 170 declines the same.

171 (3) Hours. The hours during which the  
 172 privileges conferred by a Class B license may  
 173 be exercised shall be from 6:00 a.m. to 2:00  
 174 a.m. on the following day, except on Sunday  
 175 the hours shall be from 10:00 a.m. to 2:00 a.m.  
 176 on the following day.

#### 177 **C. Beer and light wine license, Class B-R** 178 **(off-sale), hotels and restaurants**

179 (1) General provisions. A Class B-R beer  
 180 and light wine license shall be issued only to  
 181 hotels and restaurants and shall authorize the  
 182 holder thereof to keep for sale and sell beer  
 183 and light wine, at retail, at the place described  
 184 in the license, in a sealed package or container,  
 185 which package or container may not be opened  
 186 nor its contents consumed on the premises  
 187 where sold.

188 (2) Any holder of a Class F license, lawfully  
 189 issued and validly existing on the effective

190 date of this ordinance shall be entitled to  
191 obtain a Class B-R license through the renewal  
192 process at the existing location provided that  
193 all such applications otherwise comply with all  
194 then-existing ordinance, laws, and regulations,  
195 as amended from time to time. Provided  
196 further, that all such holders shall be entitled to  
197 a B-R license without regard to the market-test  
198 set forth in § 11-8 D.

199 (3) Hours. The hours during which the  
200 privileges conferred by a Class B-R license  
201 may be exercised shall be from 6:00 a.m. to  
202 2:00 a.m. on the following day, except on  
203 Sunday the hours shall be from 10:00 a.m. to  
204 2:00 a.m. on the following day.

205 **D. Beer and light wine license, Class C (on-**  
206 **sale), clubs**

207 (1) General provisions. A Class C beer and  
208 light wine license shall authorize the holder  
209 thereof to keep for sale and sell beer and light  
210 wine, at retail, to bona fide members and their  
211 guests at any club, at the place described in the  
212 license, for consumption on the premises only.  
213 [Amended 12-14-1999 by Bill No. 742; 4-24-  
214 2001 by Bill No. 811]

215 (2) Hours. The hours during which the  
216 privileges conferred by a Class C license may  
217 be exercised shall be from 6:00 a.m. to 12:00  
218 midnight, except on Sunday the hours shall be  
219 from 10:00 a.m. to 12:00 midnight.

220 **E. Beer and light wine license, Class D (on-**  
221 **and off-sale), marinas**

222 (1) General provisions. A Class D beer and  
223 light wine license shall authorize the holder  
224 thereof to keep for sale and sell beer and light  
225 wine, at retail, at any marina, at the place  
226 described in the license, for consumption on  
227 the premises and elsewhere. All sales and  
228 consumption of alcoholic beverages on the  
229 premises shall occur in a café regularly  
230 preparing and serving full meals, which may  
231 include a sandwich menu.

232 (2) Hours. The hours during which the  
233 privileges conferred by a Class D license may  
234 be exercised shall be from 6:00 a.m. to 12:00  
235 midnight, except on Sunday the hours shall be  
236 from 8:00 a.m. to 12:00 midnight.

237

238 **§ 11-5 Beer, wine and liquor licenses**

239 **A. Beer, wine and liquor license, Class E**  
240 **(off-sale) alcohol dispensaries**

241 (1) General provisions. A Class E beer, wine  
242 and liquor license shall be issued only to an  
243 alcohol dispensary, and shall authorize the  
244 holder thereof to keep for sale and sell all  
245 alcoholic beverages, at retail, in any quantity  
246 to any consumers, at the place described in the  
247 license, in a sealed package or container,  
248 which package or container shall not be  
249 opened nor its contents consumed on the  
250 premises where sold.

251 (2) Hours. The hours during which the  
252 privileges conferred by a Class E license may  
253 be exercised shall be from 6:00 a.m. to 12:00  
254 midnight, except on Sunday the hours shall be  
255 from 8:00 a.m. to 12:00 midnight.

256 (3) Wine and beer tasting, alcohol dispen-  
257 saries. Other provisions of this chapter to the  
258 contrary notwithstanding, the holder of a valid  
259 Class E license that is also an alcohol  
260 dispensary shall be authorized to serve not  
261 more than one ounce from no more than three  
262 bottles or containers of wine or beer to any one  
263 person for sampling or tasting purposes. Once  
264 opened, any bottles or containers of wine or  
265 beer to be sampled shall be accurately and  
266 specifically marked for sampling or tasting  
267 purposes only or shall be discarded and shall  
268 not be offered for sale. The contents of any  
269 bottle or container opened for sampling or  
270 tasting purposes shall not be mixed with any  
271 other bottle or container. Any wine or beer  
272 sampling or tasting authorized by this section  
273 shall be permitted on the licensed premises  
274 only.

275 (4) Notwithstanding the limitation on issuance  
276 of Class E licenses to alcohol dispensaries in  
277 paragraph (1) above, any holder of a Class E  
278 license, except for any pharmacy, that was  
279 lawfully issued and validly existing on the  
280 effective date of this ordinance shall be  
281 entitled to renew the same at the existing  
282 location provided that all such applications for  
283 renewal otherwise comply with all then-  
284 existing ordinances, laws, and regulations, as  
285 amended from time to time. Any such Class E  
286 license held by or for the benefit of any  
287 pharmacy shall be entitled to renew the same  
288 at the existing location provided: all alcoholic



289 beverages shall be offered for sale exclusively  
290 within an enclosed area not exceeding 25% of  
291 the sales area, separated from the main sales  
292 area by permanent walls or partitions at least 8  
293 feet high, and all such sales shall be processed  
294 through a separate cashier within and dedi-  
295 cated to that area, and that all such  
296 applications for renewal otherwise comply  
297 with all then-existing ordinances, laws, and  
298 regulations, as amended from time to time.

299 (5) Notwithstanding the limitations and  
300 restrictions upon the issuance of new off-sale  
301 licenses set forth in § 11-8 D, any holder of a  
302 Class E license that was lawfully issued and  
303 validly existing on the effective date of this  
304 ordinance shall be entitled to renewal of such  
305 license as set forth in paragraph (4), above,  
306 without regard to compliance with the market-  
307 test in § 11-8 D.

308 **B. Beer, wine and liquor license, Class F (on**  
309 **and off-sale), hotels and restaurants**

310 (1) General provisions. A Class F beer, wine  
311 and liquor license shall authorize the holder  
312 thereof to keep for sale and sell all alcoholic  
313 beverages, at retail, at any hotel or restaurant  
314 qualified under Subsection B(2) hereof. All  
315 sales shall be for consumption on the premises  
316 only, at the place described in the license.  
317 Wine and beer may be sold for consumption  
318 on the premises and elsewhere.

319 (a) No new Class F licenses shall issue after  
320 the effective date of this ordinance. Upon  
321 expiration of an existing Class F license, all  
322 licensees holding a Class F license lawfully  
323 issued and validly existing on the effective  
324 date of this ordinance shall be entitled to apply  
325 for and obtain both a Class B-R license and a  
326 Class F-A license for the premises described in  
327 the Class F license provided that all such  
328 applications for renewal otherwise comply  
329 with all then-existing ordinances, laws, and  
330 regulations, as amended from time to time. (b)  
331 Upon the expiration of an existing Class F  
332 license, any renewal application for the place  
333 described in the existing license shall also  
334 include all information required to obtain a  
335 caterer's endorsement in accordance with §  
336 11-6A. Subject to all requirements otherwise  
337 applicable to a caterer's endorsement, all  
338 licensees holding an existing Class F license  
339 that was lawfully issued and validly existing  
340 on the effective date of this ordinance shall be

341 entitled to a caterer's endorsement as part of  
342 their renewal, unless the applicant affirma-  
343 tively declines the same.

344 (2) Requirements for license. A Class F  
345 license shall not be issued until all  
346 requirements for licensing have been met and  
347 the place described in the license is  
348 demonstrated to be:

349 (a) A hotel having 25 or more bedrooms and  
350 regularly preparing and serving food on the  
351 premises where alcoholic beverages are to be  
352 sold;

353 (b) A restaurant which seats at least 20  
354 persons, maintains a kitchen staffed for  
355 serving food and provides a menu for at least  
356 two meals per day on a regular basis, which  
357 may include a sandwich menu; or

358 (c) A restaurant which seats at least 20  
359 persons and maintains a kitchen staffed for  
360 serving food, which is open within one hour  
361 after the restaurant opens and is in continuous  
362 operation serving a full menu until at least two  
363 hours before the restaurant closes.

364 (3) Hours. The hours during which the  
365 privileges conferred by a Class F license may  
366 be exercised shall be from 6:00 a.m. to 2:00  
367 a.m. on the following day, except on Sunday  
368 the hours shall be from 10:00 a.m. to 2:00 a.m.  
369 on the following day.

370 (4) This section, § 11-5 B, including without  
371 limitation the Class F license classification,  
372 and each paragraph and sub-paragraph, shall  
373 be repealed and of no further force or effect  
374 upon the later of: (1) the expiration of all  
375 existing Class F licenses; and, (2) the issuance  
376 of Class B-R and Class F-A licenses to  
377 existing Class F licensees entitled to receive  
378 the same for the place described in the existing  
379 Class F license; and, (3) compliance with the  
380 requirements of Paragraph (1) (b), above,  
381 regarding issuance of caterer's endorsements;  
382 or, (4) expiration of the right to renew, without  
383 renewal, for existing Class F licenses such that  
384 the transition from Class F to Class B-R and  
385 Class F-A has been completed or waived for  
386 all existing Class F licensees.

**C. Beer, wine and liquor license, Class F-A (on-sale), hotels and restaurants**

(1) General provisions. A Class F-A beer, wine and liquor license shall be issued only to a hotel or restaurant and shall authorize the holder thereof to keep for sale and sell all alcoholic beverages, at retail, for consumption on the premises only, at the place described in the license.

(a) The application for issuance or renewal of a Class F-A license shall include all information required to obtain a caterer's endorsement in accordance with § 11-6A. Subject to all requirements otherwise applicable to a caterer's endorsement, all Class F-A licenses issued or renewed after the effective date of this ordinance shall include a caterer's endorsement as part of their issuance or renewal, unless the applicant affirmatively declines the same.

(2) Requirements for license. A Class F-A license shall not be issued until all requirements for licensing have been met.

(3) Hours. The hours during which the privileges conferred by a Class F-A license may be exercised shall be from 6:00 a.m. to 2:00 a.m. on the following day, except on Sunday the hours shall be from 10:00 a.m. to 2:00 a.m. on the following day.

**D. Beer, wine and liquor license, Class G (on-sale), clubs**

(1) General provisions. A Class G beer, wine and liquor license shall authorize the holder thereof to keep for sale and sell all alcoholic beverages, at retail, at any club qualified under Subsection D(2) hereof, at the place described in the license, for consumption on the premises only.

(2) Requirements for license. A Class G license shall be issued only to a club which is not operated for profit and which has had 50 or more bona fide members paying dues of not less than \$10 per annum per member for five consecutive years immediately preceding the year for which the license is to be issued. A Class G license may be issued to a club composed exclusively of members who served in the Armed Forces of the United States, which is affiliated with a national organization

and had 50 or more bona fide members paying whatever dues were required by its national organization in the year immediately preceding the year for which the license is to be issued.

(3) Hours. The hours during which the privileges conferred by a Class G license may be exercised shall be from 6:00 a.m. to 2:00 a.m. on the following day, except on Sunday the hours shall be from 12:30 p.m. to 2:00 a.m. on the following day.

**E. Beer, wine and liquor license, Class GC (on-sale), golf courses**

(1) General provisions. A Class GC beer, wine and liquor license shall authorize the holder thereof to keep for sale and sell all alcoholic beverages, at retail, at any golf course qualified under Subsection E(2) hereof, at the place described in the license, for consumption on the premises only.

(2) Requirements for license. A Class GC license shall be issued only to a golf course which is open to the public and has a golf course with a minimum of 18 holes. A licensee may sell beer, wine and liquor for consumption only on the land and in the buildings, including the clubhouse, used for golfing purposes. A patron need not be seated to be served.

(3) Hours. The hours during which the privileges conferred by a Class GC license may be exercised shall be from 7:00 a.m. to 10:00 p.m. each day.

**F. Beer, wine and liquor license, Class B-F (on-sale) banquet facility**

(1) General provisions. A Class B-F beer, wine and liquor license shall authorize the holder thereof to keep for sale and sell all alcoholic beverages, at retail, at any banquet facility qualified under Subsection F(2) hereof, at the place described in the license, for consumption on the premises only.

(2) Requirements for license. The Class B-F license shall not be issued until all requirements for licensing have been met and the place described in the license is demonstrated to be a banquet facility that:

483 (a) Accommodates the public for banquets,  
484 parties, meetings, and similar functions; and

485 (b) Contains a dining room with adequate  
486 facilities for preparing and serving full-course  
487 meals for at least 100 persons at one seating.

488 (3) The Class B-F beer, light wine and liquor  
489 license authorizes the holder to keep for sale,  
490 and sell at retail, beer, light wine, and liquor  
491 for on-premises consumption only, provided  
492 that:

493 (a) The beer, light wine, and liquor are only  
494 sold during the function;

495 (b) The licensee may not sell alcoholic  
496 beverages for off-premises consumption;

497 (c) The licensee may not permit alcoholic  
498 beverages to be carried off the premises; and

499 (d) Food is furnished at the function where  
500 the alcoholic beverages are provided.

501 (4) The application for issuance or renewal of  
502 a Class B-F license shall include all infor-  
503 mation required to obtain a caterers endorse-  
504 ment in accordance with § 11-6A. Subject to  
505 all requirements otherwise applicable to a  
506 caterer's endorsement, all Class B-F licenses  
507 issued or renewed after the effective date of  
508 this ordinance shall include a caterer's  
509 endorsement as part of their issuance or  
510 renewal, unless the applicant affirmatively  
511 declines the same.

512 (5) Hours. The hours during which the  
513 privileges conferred by a Class B-F license  
514 may be exercised shall be from 12:00 noon to  
515 2:00 a.m. the following day, except on Sunday  
516 the hours shall be from 12:00 noon to 12:00  
517 midnight.

518 **G. Beer, wine and liquor license, Class B-T**  
519 **(on-sale), certain nonprofit theaters**

520 (1) General provisions. A Class B-T beer,  
521 wine, and liquor license shall be issued only to  
522 nonprofit theaters and shall authorize the  
523 holder thereof to keep for sale and sell beer,  
524 wine, and liquor at retail, at the place  
525 described in the license, for consumption on  
526 the premises only.

527 (2) Requirements for license. A Class B-T  
528 license shall not be issued until all  
529 requirements for licensing have been met.

530 (3) Eligibility to purchase temporary license.  
531 Other provisions of this chapter to the contrary  
532 notwithstanding, a holder of a Class B-T  
533 license shall not by virtue thereof be  
534 prohibited from purchasing a special beer,  
535 wine and liquor license, nor shall any bona  
536 fide club, society, association or church be  
537 precluded from obtaining a special license for  
538 use on the theater premises, provided that the  
539 holder of the Class B-T license for the  
540 premises consents to the use of the special  
541 license.

542 (4) Hours. The hours during which the  
543 privileges conferred by a Class B-T license  
544 may be exercised shall be from 12:00 noon to  
545 12:00 midnight each day; provided, however,  
546 that the sale and consumption of beer and light  
547 wine shall be restricted to a period of time  
548 beginning two hours before any scheduled  
549 entertainment and concluding one hour after  
550 said entertainment.

551 **§ 11-6 Endorsements**

552 **A. Caterer's endorsement**

553 (1) Caterer defined. In this section "caterer"  
554 means a Class B, Class B-F, B-R, or Class F-A  
555 license holder who contracts to provide food  
556 and alcoholic beverages to sponsors of public  
557 or private events held at specific locations  
558 within Talbot County off the licensed  
559 premises.

560 (2) General provisions. A caterer's  
561 endorsement shall be issued only to holders of  
562 a Class B, Class B-F, B-R, or a Class F-A  
563 license. The endorsement shall authorize the  
564 holder thereof to sell the alcoholic beverages  
565 permitted for the class of license at locations  
566 within Talbot County for which no other  
567 license has been issued. Other provisions of  
568 this chapter to the contrary notwithstanding,  
569 the holder of a Class B, Class B-F, Class B-R  
570 or Class F-A license shall not be prohibited  
571 from simultaneously holding a caterer's  
572 endorsement, if otherwise approved. The  
573 Board shall be authorized to issue a caterer's  
574 endorsement to holders of a Class B, Class B-  
575 F, Class B-R, or Class F-A license who meet  
576 the requirements for issuance of the caterer's



577 endorsement and who are otherwise entitled to  
578 renewal of their license.

579 (3) Hours. The hours during which the  
580 privileges conferred by a caterer's  
581 endorsement may be exercised shall be the  
582 same as the hours permitted for the class of  
583 license.

584 (4) Requirement to provide food. The holder  
585 of a caterer's endorsement shall provide food  
586 as well as alcoholic beverages at catered  
587 events.

588 (5) Location.

589 (a) The holder of a caterer's endorsement  
590 shall not provide alcoholic beverages at the  
591 same location for more than five  
592 consecutive days or more than a total of 15  
593 days in any calendar year without first  
594 obtaining the written permission of the  
595 Board.

596 (b) The holder of a caterer's endorsement  
597 shall not provide alcoholic beverages at any  
598 location which is owned or leased by the  
599 license holder or in which the license  
600 holder has any financial interest. This  
601 subsection shall not be construed as  
602 prohibiting catering alcoholic beverages at  
603 any legitimate club or fraternal  
604 organization to which the license holder  
605 belongs or at the holder's residence.

## 606 B. Special festival endorsement

607 (1) Special festival defined. In this section  
608 "special festival" means a special event held  
609 on an irregularly scheduled basis for the  
610 purpose of promoting wines or beers produced  
611 by one or more wineries, vintners or  
612 microbreweries.

613 (2) General provisions. A special festival  
614 endorsement shall be issued only to holders of  
615 Class A, B, E, or F licenses. The endorsement  
616 shall authorize the holder thereof to sell or  
617 serve beer or wine by the glass to patrons on  
618 the site of the special festival during the  
619 specified hours of the event and to sell at  
620 retail, in any quantity, to patrons of the event,  
621 wines or beer offered for tasting at the event,  
622 in sealed packages or containers, which  
623 packages or containers shall not be opened nor  
624 the contents thereof consumed on the site of

625 the festival. Other provisions of this chapter to  
626 the contrary notwithstanding, the holder of a  
627 Class A, B, E or F license shall not be  
628 prohibited from simultaneously holding a  
629 special festival endorsement, if otherwise  
630 approved. The Board shall be authorized to  
631 utilize an abbreviated procedure for the  
632 issuance of a special festival endorsement to  
633 holders of a Class A, B, E or F license who are  
634 in good standing at the time of the application.

635 (3) Hours. The hours during which the  
636 privileges conferred by a special festival  
637 endorsement may be exercised shall be the  
638 same as the hours permitted for the class of  
639 license.

640 (4) Limits on number of endorsements. A  
641 special festival endorsement shall not be  
642 issued for more than two consecutive days,  
643 and no more than four endorsements shall be  
644 issued to a license holder in any calendar year.

## 645 § 11-7 Special and temporary licenses

### 646 A. Special beer and light wine license, Class 647 H (on-sale), seven days

648 (1) General provisions. A Class H special  
649 beer and light wine license shall entitle the  
650 holder thereof to keep for sale and sell beer  
651 and light wine, at retail, at the place described  
652 in the license, in conjunction with any bona  
653 fide entertainment conducted by a club,  
654 society, association or church, for consump-  
655 tion on the premises only, for a period not  
656 exceeding seven consecutive days from the  
657 effective date of the license. The Board shall  
658 be authorized to utilize an abbreviated  
659 procedure for the issuance of a Class H  
660 license.

661 (2) Hours. The hours during which the  
662 privileges conferred by a Class H license may  
663 be exercised shall be from 12:00 noon to 12:00  
664 midnight each day; provided, however, that the  
665 sale and consumption of beer and light wine  
666 shall be restricted to a period of time  
667 beginning two hours before the scheduled  
668 entertainment and concluding one hour after  
669 said entertainment.

**B. Special beer, wine and liquor license,  
Class J (on-sale), seven days**

(1) General provisions. A Class J special beer, wine and liquor license shall entitle the holder thereof to keep for sale and sell all alcoholic beverages, at retail, at the place described in the license, in conjunction with any bona fide entertainment conducted by a club, society, association or church, for consumption on the premises only, for a period not exceeding seven consecutive days from the effective date of the license. The Board shall be authorized to utilize an abbreviated procedure for the issuance of a Class J license.

(2) Hours. The hours during which the privileges conferred by a Class J license may be exercised shall be from 12:00 noon to 12:00 midnight each day; provided, however, that the sale and consumption of beer, wine and liquor shall be restricted to a period of time beginning two hours before the scheduled entertainment and concluding one hour after said entertainment.

**C. Disposal-of-stock license (10 days)**

A disposal-of-stock license of any class shall entitle the holder thereof to exercise the privileges of the class of license for a period not exceeding 10 consecutive days, for the purpose of disposing of the license holder's stock of alcoholic beverages, in cases where a license has been revoked, canceled, suspended or renewal denied. A disposal-of-stock license shall authorize the sale of the license holder's stock at retail or to one or more holders of wholesale licenses, and such holders of wholesale licenses are hereby authorized to purchase such stock. The holder of a disposal-of-stock license is not authorized to purchase alcoholic beverages for the purpose of resale under this license.

**D. Temporary removal license**

A temporary removal license of any class shall entitle the holder thereof to temporarily move the licensed premises from one location to another, when the relocation is necessitated by fire or other catastrophe. The privileges of a temporary removal license may be exercised while the originally licensed premises are being restored, for a period to be established by the Board, but not to exceed six months. No

fee shall be charged for a temporary removal license, provided that any renewal fees which are due during the continuance of the license are paid on time. The Board shall be required to approve, as in the case of the original application, the new location to which the license holder temporarily relocates.

**§ 11-8 General provisions on issue of licenses**

**A. License requirements for corporation, limited liability company, partnership, club or association**

(1) A license application made for a corporation, limited liability company, partnership, club or other association (whether incorporated or unincorporated) shall also be applied for by and shall be issued to two or more individuals who are authorized to act for the entity and who are officers, directors, stockholders or employees of the corporation; members or employees of the limited liability company; partners of the partnership; or officers, directors or members of the club or association. If an entity has a sole owner, only that individual shall be required to apply for and be issued a license. The individual license holders shall be residents of Talbot County or a contiguous county. The application shall also set forth the names and addresses of all of the directors and officers of a corporation, club or association, all of the members of a limited liability company, or all of the partners of a partnership and shall be signed by the appropriate officers of the entity, as well as by the two or more individuals to whom the license shall be issued for the use of the entity. Every application for a license shall disclose the name, all trade names and all addresses of the corporation, limited liability company, partnership, club or association, as well as the name and business and home address of the individual applicants.

(2) The individual license holders and the corporation, limited liability company, partnership, club or association shall assume all responsibilities, individually, jointly and severally, and shall be subject to all of the penalties, conditions and restrictions imposed upon license holders under the provisions of this chapter.

769	<b>B. No more than two licenses for same</b>	817	within one (1) year after the effective date
770	<b>person</b>	818	of this ordinance.
771	No more than two licenses provided by this	819	(2) Except for Class A licenses for super-
772	chapter, except by way of renewal, shall be	820	markets, off-sale licenses are subject to the
773	issued to any individual or to any person for	821	following requirements. The Board shall limit
774	the use of any corporation, limited liability	822	and restrict the number of new off-sale
775	company, partnership, club or association.	823	licenses as set forth in this section.
776	<b>C. Zoning restrictions</b>	824	(a) The Board may issue a new off-sale
777	No license provided by this chapter shall be	825	license if the total population within the
778	issued or utilized in a manner which will result	826	service area equals or exceeds 750
779	in a violation of any zoning ordinance or other	827	persons for all existing off-sale licenses
780	statutory land use restriction of the County or	828	and the newly proposed license.
781	the incorporated municipality in which the	829	(b) The service area shall be determined as
782	place of business proposed to be licensed is	830	follows:
783	located. No new license shall be issued for any		
784	use not specifically provided in this chapter.	831	i. For a proposed urban location, the
785	To the extent of any inconsistency between the	832	service area shall include all census
786	definitions of use in this chapter and any land-	833	blocks within a radius of two (2)
787	use ordinance, the definitions that are more	834	miles from the site of the proposed
788	restrictive or stringent shall prevail.	835	new license;
789	<b>D. Restriction upon off-sale licenses, market-</b>	836	ii. For a proposed rural location, the
790	<b>test, grandfathering</b>	837	service area shall include all census
		838	blocks within a radius of five (5)
791	(1) New off-sale licenses shall be issued	839	miles from the site of the proposed
792	only to alcohol dispensaries, supermarkets,	840	new license.
793	restaurants, cafes, hotels, and convenience		
794	stores.	841	(3) All census blocks in Talbot County from
		842	the most recent decennial census within,
795	(a) Notwithstanding the limitation in Para-	843	intersected by, or touching the service area
796	graph D. (1) on issuance of new off-sale	844	shall be used to determine the total
797	licenses, any holder of an off-sale license,	845	population within the service area.
798	except for any pharmacy, that was		
799	lawfully issued and validly existing on the	846	(4) For purposes of this section, an urban
800	effective date of this ordinance shall be	847	location is a proposed site within a
801	entitled to renew the same at the existing	848	municipality and a rural location is a
802	location provided that all such appli-	849	proposed site outside a municipality.
803	cations for renewal otherwise comply with		
804	all then-existing ordinances, laws, and	850	(5) The formula for determining whether a
805	regulations, as amended from time to	851	new off sale license may be issued is:
806	time. Pharmacies shall be governed by the		
807	provisions in § 11-5 A. (4) and (5).	852	$R = P - (750 \times N)$ where:
808	(b) Notwithstanding the limitation in Para-	853	R -- Remainder (must be equal to or
809	graph D. (1) on issuance of new off-sale	854	greater than 750 for new off-sale
810	licenses, a gas station for which a Class A	855	license).
811	off-sale beer and light wine license had	856	P -- Total population within service area.
812	been issued, but which is no longer in full	857	N -- Total number of existing off-sale
813	force and effect on the effective date of	858	licenses, (Class A, B-R, D, E, , and
814	this ordinance due to voluntary non-	859	F) within the service area,
815	renewal, may re-apply for a new Class A	860	excluding the proposed new off-
816	license for the same location at any time		

861	sale license and excluding existing	909	H. A statement that none of the individual
862	Class A licenses for supermarkets.	910	applicants have ever been convicted of a
863		911	felony or of a misdemeanor involving moral
864	(6) New off-sale licenses shall be at least	912	turpitude and a further statement as to
865	500 feet from public or private schools,	913	whether any of them have ever been
866	public parks, and correctional facilities.	914	adjudged guilty of violating the laws
867	Licensees holding off-sale licenses lawfully	915	governing the sale of alcoholic beverages,
868	issued and validly existing on the effective	916	controlled dangerous substances, or
869	date of this ordinance shall be permitted to	917	gambling in the State of Maryland, any other
870	renew and maintain such licenses at existing	918	state, or of the United States or any foreign
871	locations provided that all such applications	919	country. The Board shall have the authority
872	for renewal otherwise comply with all then-	920	to obtain criminal records on any applicant
873	existing ordinances, laws, and regulations, as	921	for an alcoholic beverage license prior to the
874	amended from time to time.	922	issuance of the license and the applicant, as
875		923	part of the application, shall provide
876	(7) In addition to the requirements of this	924	whatever consents, authorizations, or
877	section, an applicant for a new off-sale	925	releases of information are necessary for this
878	license must meet all other applicable criteria.	926	purpose.
879			
880	<b>§ 11-9 License application filing requirements</b>	927	I. A statement that each individual applicant has
881	Every application for a new license shall be	928	a pecuniary interest in, employment
882	made to the Board and shall be accompanied by	929	relationship with, or is authorized to act on
883	the specified application and license fees. The	930	behalf of the entity seeking the license,
884	application shall contain the following:	931	including the nature of each applicant's
		932	relationship to any entity having an interest in
		933	the business.
885	A. The class of license desired.		
		934	J. A statement that none of the individual
886	B. The name and residence of each individual	935	applicants have had a license for the sale of
887	applicant and how long each has resided at	936	alcoholic beverages revoked.
888	the stated address and the name and address		
889	of any entity on behalf of which the	937	K. A statement identifying any other premises
890	individual applicants seek a license.	938	or entity holding a liquor license in which any
		939	of the individual applicants or the entity they
891	C. A statement that each individual applicant is	940	represent have an interest and identifying any
892	a resident of Talbot County or a contiguous	941	other license issued pursuant to this chapter
893	County.	942	from which any of the individual applicants
		943	or the entity receives any revenue directly or
894	D. A statement that each individual applicant is	944	indirectly.
895	a citizen of the United States, including the		
896	place of birth of each applicant and, if a	945	L. A statement as to whether any of the
897	naturalized citizen, when and where	946	individual applicants or the entity have ever
898	naturalized.	947	had a license for the sale of alcoholic
		948	beverages and, if so, in what state and at what
899	E. A statement that each individual applicant is	949	location.
900	not less than 21 years of age.		
		950	M. A statement that no manufacturer, brewer,
901	F. The particular place for which the license is	951	distiller or wholesaler of alcoholic beverages
902	desired, designating the street name and	952	has any financial interest, directly or
903	number, and also a description of the portion	953	indirectly, in the premises or business of the
904	of the building in which the business will be	954	applicant and that the applicant will not
905	conducted.	955	thereafter convey or grant to any such
		956	manufacturer, brewer, distiller or wholesaler
906	G. The name of the owner of the premises	957	any such interest, except as otherwise
907	upon which the business sought to be	958	permitted in this chapter, and that the
908	licensed is to be carried on.	959	applicant, at the time of making the

960	application, has no indebtedness or other	1014	retail dealer in alcoholic beverages. The
961	financial obligations and will not thereafter	1015	requirements of this section do not apply to
962	incur any such indebtedness or other financial	1016	applications for special or temporary (Class H
963	obligations, directly or indirectly, to any	1017	and Class J) licenses.
964	manufacturer, brewer, distiller or wholesaler		
965	of alcoholic beverages other than for the	1018	P. Proof of a valid food service facility permit
966	purchase of alcoholic beverages.	1019	from the Talbot County Health Department
		1020	must be shown for those classes of licenses
967	N. A statement, duly executed and	1021	(Class F and Class F-A) which require the
968	acknowledged by the owner of the premises	1022	serving of food as a condition of the license
969	upon which the business is to be conducted,	1023	or where the applicant is engaged in a
970	assenting to the granting of the license	1024	business which requires such a permit.
971	applied for and authorizing the Comptroller		
972	of the State of Maryland, his duly authorized	1025	Q. Proof of compliance with the current
973	deputies, inspectors and clerks, the Talbot	1026	provisions of the State Fire Prevention Code
974	County Board of Liquor License	1027	from the Office of the State Fire Marshal.
975	Commissioners, its duly authorized agents		
976	and employees, any Talbot County Alcoholic	1028	<b>§ 11-10 Procedure for issuance of licenses</b>
977	Beverages Inspector, deputy, or assistant, any		
978	peace officer of Talbot County and any peace	1029	<b>A. General provisions</b>
979	officer of any incorporated municipality in		
980	which the business is to be conducted to	1030	(1) Published notice. Before the Board shall
981	inspect and search, without warrant, the	1031	approve any new license, the Board shall cause
982	premises upon which the business is to be	1032	a notice of such application to be published
983	conducted, and any and all parts of the	1033	once a week for two successive weeks in a
984	building in which the business is to be	1034	newspaper of general circulation in Talbot
985	conducted, at any and all hours. The	1035	County. The notice shall specify the names of
986	statement shall contain an acknowledgment	1036	the individual applicants and any entity they
987	that any evidence discovered during any	1037	represent, the type of license applied for and
988	lawful inspection of licensed buildings or	1038	the location of the place of business proposed
989	premises shall be admissible in any	1039	to be licensed as well as the date, time and
990	prosecution for violation of this Chapter, and	1040	location fixed by the Board for a hearing upon
991	shall be admissible in any hearing for	1041	the application. The hearing shall be not less
992	revocation, suspension, or restriction of the	1042	than seven days nor more than 30 days after
993	license of the person, firm, corporation or	1043	the last publication.
994	association who has obtained a license to sell		
995	alcoholic beverages in such building or	1044	(2) Posting of property.
996	premises.		
		1045	(a) Whenever a hearing upon a license
997	O. A certificate signed by at least 10 citizens,	1046	application is scheduled, the place of business
998	who shall be owners of real estate and	1047	proposed to be licensed shall be posted at least
999	registered voters of the precinct in which the	1048	15 days prior to the hearing date by the
1000	business is to be conducted, setting forth the	1049	erection of a sign to be furnished by the Board.
1001	length of time each has been acquainted with	1050	Such sign shall be erected by the person(s)
1002	the applicant or, in the case of a corporation,	1051	making application, within ten feet of
1003	with the individuals making the application.	1052	whatever boundary line of the property abuts
1004	The certificate must state that the signers	1053	the most traveled public road and, if no public
1005	thereof have examined the application and	1054	road abuts thereon, then facing in such a
1006	have good reason to believe that all the	1055	manner as most readily may be seen by the
1007	statements contained in the application are	1056	public, as designated by the Board. The
1008	true, that they are of the opinion that the	1057	bottom of the sign shall not be less than three
1009	applicant is a suitable person to obtain the	1058	feet from the ground. The sign furnished by
1010	license, and that they are familiar with the	1059	the Board shall not be less than two feet high
1011	premises upon which the proposed business is	1060	and two feet wide, and shall bear the words:
1012	to be conducted and believe the premises are	1061	NOTICE - APPLICATION HAS BEEN
1013	suitable for the conduct of the business of a	1062	MADE FOR A LIQUOR LICENSE AT THIS



1063 LOCATION. Talbot County Board of Liquor  
1064 License Commissioners (410) 770-8019.

1065 (b) At the hearing, it shall be the duty of the  
1066 applicant to prove by affidavit that he has fully  
1067 complied with this provision and has contin-  
1068 uously maintained the sign in compliance with  
1069 this provision up to the time of the hearing.  
1070 Any sign required to be posted by this pro-  
1071 vision shall be maintained in a visible location  
1072 and free from obstruction until after the public  
1073 hearing is held, and such sign shall be re-  
1074 moved within five days after the public  
1075 hearing.

1076 (3) Notice to local jurisdiction and adjacent  
1077 property owners. Whenever a hearing upon a  
1078 license application is scheduled, the Board  
1079 shall give at least 15 days' notice of the time  
1080 and place of such hearing to be mailed by  
1081 regular United States mail, first class postage  
1082 prepaid, to the applicant, to the governing  
1083 body of the local jurisdiction in which the  
1084 place of business proposed to be licensed is  
1085 located, and to the owners of all property  
1086 contiguous to the place of business proposed  
1087 to be licensed and of all properties opposite  
1088 said property measured at right angles to any  
1089 intervening road or street. It shall be the  
1090 responsibility of the applicant to furnish the  
1091 Board with a complete, accurate and up-to-  
1092 date list of all such property owners. The  
1093 notice shall be directed to the address to which  
1094 the real estate tax bill on the property is sent.  
1095 The notice shall contain the same information  
1096 as the published notice required in Subsection  
1097 A(1) hereof. For purposes of this section the  
1098 term "contiguous property owner" is to include  
1099 owners of property within 1,000 feet of the  
1100 subject property, whose line of sight to the  
1101 subject property is entirely over water. Failure  
1102 of a person to receive the notice prescribed in  
1103 this section shall not impair the validity of the  
1104 hearing.

1105 (4) Hearing. At the time fixed by the notice  
1106 for a hearing upon an application or upon the  
1107 continuance of any such hearing, the  
1108 individual applicants and representatives of the  
1109 entity seeking a license shall have the first  
1110 opportunity to be heard by the Board and to  
1111 present evidence to the Board; provided,  
1112 however, that the Board may stipulate that  
1113 after the expiration of a reasonable  
1114 predetermined amount of time the applicant's  
1115 presentation may be interrupted to permit

1116 opponents an opportunity to be heard.  
1117 Thereafter, any interested person in attendance  
1118 shall be heard by the Board on either side of  
1119 the question. The applicant shall have the final  
1120 opportunity to address the Board at the  
1121 conclusion of all testimony or evidence. The  
1122 Board shall make an adequate record of its  
1123 proceedings so as to permit judicial review.  
1124 The costs of reproduction of the record shall  
1125 be borne by the person seeking the copy.

1126 (5) Findings.

1127 (a) If the Board determines that the granting  
1128 of the license is not necessary for the  
1129 accommodation of the public, or that the  
1130 applicants are not fit persons to receive the  
1131 license applied for, or have made a material  
1132 false statement in the application, or have  
1133 practiced fraud in connection with said  
1134 application, or that the operation of the  
1135 business, if the license is granted, will unduly  
1136 disturb the peace of the residents of the  
1137 neighborhood in which the place of business is  
1138 to be located, or the applicant for an off-sale  
1139 license does not satisfy the requirements of §  
1140 11-8 D, or that there are other substantial  
1141 reasons in the discretion of the Board why the  
1142 license should not be issued, then the  
1143 application shall be disapproved and the  
1144 license applied for shall be refused. If no such  
1145 findings are made by the Board, then the  
1146 Board shall approve the application and issue  
1147 the license upon the applicant's payment of the  
1148 required fee.

1149 (b) Within 30 days of the conclusion of the  
1150 hearing, the Board shall issue a written  
1151 decision setting forth its factual  
1152 determinations, its decision concerning the  
1153 license in question, and the basis for its  
1154 decision.

1155 (c) Any person aggrieved by the decision of  
1156 the Board who appeared at the hearing before  
1157 the Board shall have 30 days after the issuance  
1158 of the Board's decision to appeal the decision  
1159 to the Circuit Court for Talbot County.

## 1160 B. License and application fees

1161 The license and application fees applicable to  
1162 each class of license shall be established by the  
1163 County Council of Talbot County in the  
1164 Annual Budget and Appropriation Ordinance.  
1165 All fees collected under this chapter shall be

1166 remitted to the Talbot County Finance Office.  
 1167 The salaries of the Board, together with the  
 1168 necessary office, clerical and investigational  
 1169 expenses of the Board, shall be paid by the  
 1170 County Council, as approved in the Annual  
 1171 Budget and Appropriation Ordinance adopted  
 1172 by the County Council. The balance of all fee  
 1173 revenue collected under this chapter, which is  
 1174 not expended on the approved salaries and  
 1175 expenses of the Board, shall be devoted to the  
 1176 general purposes of the County as approved by  
 1177 the County Council.

1178 **C. Refund of license fees**

1179 No holder of any class of license shall be  
 1180 entitled to a refund of the unused portion of  
 1181 the fee paid for a license upon surrender  
 1182 thereof, except:

1183 (1) In the event of receivership or  
 1184 bankruptcy of the business if a transfer is not  
 1185 requested, and in such case the refund shall be  
 1186 made for the benefit of the creditors of the  
 1187 license holder;

1188 (2) In the event of the death of the license  
 1189 holder, and in such case the refund shall be  
 1190 made for the benefit of the estate of the  
 1191 deceased license holder;

1192 (3) In the event that the license holder has  
 1193 volunteered for or been called into the Armed  
 1194 Forces of the United States;

1195 (4) In the event that a license holder of one  
 1196 class surrenders the license and obtains a  
 1197 license of another class carrying a higher fee,  
 1198 in which case, the refund shall be deducted  
 1199 from the amount of the fee to be paid for the  
 1200 newly obtained license; or

1201 (5) In the event that the licensed premises  
 1202 are taken by the federal government, the state  
 1203 or any city or municipality for public use.

1204 **D. License forms; date of issue and**  
 1205 **expiration**

1206 Only licenses authorized under the provisions  
 1207 of this chapter may be issued by the Board.  
 1208 Every license issued shall be upon forms  
 1209 prescribed by the Board. Each license shall be  
 1210 dated as of the date of issue and shall expire on  
 1211 the April 30 next after its issuance, except

1212 temporary licenses and special licenses, which  
 1213 shall expire as otherwise provided.

1214 **E. Pro-rata license fees**

1215 The fee for every license issued for a period of  
 1216 less than one year (except temporary or special  
 1217 licenses) shall be subject to the annual fee if  
 1218 issued during the first three months of the  
 1219 license year; 3/4 of the annual fee if issued  
 1220 during the second quarter of the license year;  
 1221 1/2 of the annual fee if issued during the third  
 1222 quarter of the license year; and 1/4 of the  
 1223 annual license fee if issued during the fourth  
 1224 quarter of the license year.

1225 **F. Successive applications**

1226 If a license is refused, no application for the  
 1227 same license shall be considered from the  
 1228 same applicant for the same premises for a  
 1229 period of one year.

1230 **§ 11-11 General procedures for renewal of**  
 1231 **licenses**

1232 **A. Application for renewal**

1233 The holder or holders of any expiring license  
 1234 other than special licenses issued under the  
 1235 provisions of this chapter shall, not less than  
 1236 30 nor more than 90 days before the first day  
 1237 of May of each year, file a written  
 1238 application, duly verified by oath, for the  
 1239 renewal of the license with the Board. The  
 1240 renewal application shall state either that the  
 1241 facts in the original application are  
 1242 unchanged or shall clearly and completely  
 1243 identify all such changes, based on which the  
 1244 Board may, in its discretion, treat the renewal  
 1245 application as a new application. The renewal  
 1246 application shall be accompanied by a  
 1247 statement, signed by the owner of the  
 1248 premises, consenting to the renewal of the  
 1249 license and to search and seizure as in the  
 1250 case of the original application. A statement  
 1251 of consent shall not be required if the owner  
 1252 has previously signed such a statement in  
 1253 connection with an original application or  
 1254 previous renewal application giving consent  
 1255 for the term of the owner's lease with the  
 1256 applicant. Upon the filing of the renewal  
 1257 application and the payment of the prescribed  
 1258 annual fee, the holder or holders of an  
 1259 expiring license shall be entitled to a new  
 1260 license for another year without the filing of

1261 further statements or the furnishing of any  
 1262 further information, unless such information  
 1263 is specifically requested by the Board.  
 1264 Renewal licenses shall be administratively  
 1265 approved without a hearing before the Board,  
 1266 unless a protest signed by not less than 10  
 1267 residents or property owners in the County  
 1268 election district in which the licensed place of  
 1269 business is located has been filed against the  
 1270 granting of a renewal license at least 30 days  
 1271 before the expiration of the license for which  
 1272 renewal is sought. The Board may, upon its  
 1273 own initiative, after notice to the applicant,  
 1274 treat a renewal application as an original  
 1275 application. In the event of a protest or in the  
 1276 event that the Board determines, in the  
 1277 exercise of its discretion, to treat a renewal  
 1278 application as an original application, then  
 1279 the application shall be heard and determined  
 1280 as in the case of an original application. In  
 1281 such cases, the Board may consider evidence  
 1282 concerning the impact of the licensed  
 1283 establishment upon the peace and repose of  
 1284 the community. A factual finding, based upon  
 1285 clear and convincing evidence that the  
 1286 licensed establishment has significantly and  
 1287 regularly intruded upon the peace and repose  
 1288 of the neighboring property owners so as to  
 1289 have a deleterious impact upon the public  
 1290 health, safety and welfare, shall be a  
 1291 sufficient basis for denial of the renewal  
 1292 application or the limitation of the hours of  
 1293 operation of the license holder by the Board.

1294 B. At the time of renewal of either a Class C or  
 1295 a Class G license, the individuals listed as  
 1296 holding the license on behalf of a club may,  
 1297 at the discretion of the Board, be deleted, or  
 1298 the names of additional individuals may be  
 1299 added to or substituted for any or all of the  
 1300 original license holders without the necessity  
 1301 of filing a formal application for transfer;  
 1302 provided, however, that the proposed license  
 1303 holders are otherwise qualified, and further  
 1304 provided that the President or Chief  
 1305 Executive Officer of the club shall certify that  
 1306 the individuals are authorized to act on behalf  
 1307 of the club. When a renewal application  
 1308 contains a request to add, delete or substitute  
 1309 individual license holders, the Board may  
 1310 approve the application, or require the filing  
 1311 of an application for transfer as provided in  
 1312 § 11-12C hereof.

1313 C. The procedural rules for a renewal hearing  
 1314 shall follow those set forth in § 11-10A

1315 hereof. Any person aggrieved by the decision  
 1316 of the Board who appeared at the renewal  
 1317 hearing before the Board shall have 30 days  
 1318 after the issuance of the Board's decision to  
 1319 appeal the decision to the Circuit Court for  
 1320 Talbot County.

## 1321 § 11-12 Rights and duties of license holders

### 1322 A. License not property

1323 Licenses issued under the provisions of this  
 1324 chapter shall not be regarded as property or as  
 1325 conferring any property rights. All such  
 1326 licenses shall be subject to suspension,  
 1327 restriction or revocation and to all rules and  
 1328 regulations that may be adopted as herein  
 1329 provided.

### 1330 B. Duplicates for lost licenses

1331 Whenever a license issued under the  
 1332 provisions of this chapter has been lost or  
 1333 destroyed, the official issuing such licenses  
 1334 shall have the power, upon application under  
 1335 oath and upon payment of a fee of \$10, to  
 1336 issue another license, upon which shall be  
 1337 endorsed the word "duplicate" in addition to  
 1338 all of the information which appeared upon the  
 1339 original license.

### 1340 C. Transfer of licenses

#### (1) General procedure.

1341 Any holder of a license under the provisions of  
 1342 this chapter, including a receiver or trustee for  
 1343 the benefit of creditors, may, in the discretion  
 1344 of the Board, be permitted to transfer his place  
 1345 of business to some other location and/or  
 1346 transfer his stock-in-trade to another person,  
 1347 provided that an application for such transfer  
 1348 and/or sale shall be made and approved by the  
 1349 Board, and that a bulk transfer permit is  
 1350 obtained where the stock of alcoholic  
 1351 beverages is to be transferred, whether by sale,  
 1352 gift, inheritance, assignment or otherwise and  
 1353 irrespective of whether or not consideration is  
 1354 paid. Except as provided in Subsection C(2)  
 1355 hereof or in § 11-11, the new location and/or  
 1356 assignee shall be approved as in the case of an  
 1357 original application for a license. Such transfer  
 1358 and/or assignment, when made, shall be  
 1359 reflected in the issuance of a new license or  
 1360 endorsed upon the original license by the  
 1361 official issuing the same upon payment of a

fee of \$10, in addition to the application fee, which shall be paid at the time of the filing of the application for transfer and/or sale. This section shall permit the transfer of class of license, location and the assignment of license in the same application.

(2) Addition, deletion or substitution of license holders.

When the entity which owns the business and the location of the business for which a license has been issued are to remain the same, no more than two, but less than all, of the persons listed on the license may be deleted and other persons may be substituted therefor by the submission of an application for review by the Board. The Board may provide a special application form for this purpose, which shall solicit all of the information relating to the new applicant which would be required of an original applicant, require the approval of the owners of the premises, require the certificate provided in § 11-8A, and require the consent of all license holders and of the persons whose names are to be added to the license. Additional persons may be added to those persons already listed on the license, and persons listed on the license may be deleted therefrom, in the manner provided herein, provided that the minimum number of persons required for said license shall be maintained. The Board may, in its discretion, either administratively approve said application, or cause notice of the application to be published and a hearing to be conducted as in the case of an original application.

#### **D. License holder vacating premises**

On the 10th day after the holder of any license issued under the provisions of this chapter shall have vacated or been evicted from the premises for which said license was issued, said license shall expire unless an application for a transfer thereof to another location or assignment to another person has been approved or is then pending; provided, however, that the official authorized to issue licenses may, in his discretion, postpone such expiration for an additional period, not exceeding 20 days in any case, to avoid any undue hardship.

#### **E. Display of licenses**

Every person receiving a license under the provisions of this chapter shall frame the license under glass and place the framed license so that it shall at all times be conspicuous and easily read in the place of business.

#### **F. Availability of ordinance**

Every license holder shall keep a copy of this chapter in an area in the licensed premises where it is easily accessible for reference when necessary. It is the responsibility of the license holder to ensure that all employees or agents of the license holder are advised of the provisions of this chapter. The Board shall provide to each license holder on an annual basis either a complete copy of the current version of this chapter, or at their election, a copy of only those sections that have been amended during the previous year. [Amended 4-13-1999 by Bill No. 704]

#### **G. Death of license holder**

(1) Upon the death of an individual license holder, the license shall expire upon the close of the 90th day following the date of death except as herein otherwise provided. In cases where the deceased is the proprietor of the licensed premises, upon application to the Board and upon the payment of a fee of \$10 made by the personal representatives of the deceased license holder, a certificate of permission may be granted for the continuation of the business in the name of the personal representatives for the benefit of the estate of the deceased for a period not exceeding the balance of the current license year, or the closing of the estate, whichever occurs first. In the event the estate has not been closed upon the expiration of the license year, the personal representatives may apply for renewal of the license, and upon payment of the required annual license fee, a renewal license may be granted; provided, however, that no application for a renewal license hereunder may be made more than 18 months after the death of the license holder. Such certificates of permission and renewal licenses will be subject to the right of protest, revocation, suspension, and restriction as in other cases, and during the continuation period, the license holder and the personal



1460 representative of the deceased shall be subject  
1461 to all of the provisions of this chapter. The  
1462 personal representatives to which a certificate  
1463 has been granted may assign or transfer the  
1464 license for the benefit of the estate, and upon  
1465 the approval of the application for the transfer  
1466 or assignment, the license shall be considered  
1467 reinstated upon the payment of the balance of  
1468 the license fee which is due until the expiration  
1469 of the license year.

1470 (2) If the licensed premises are operated for  
1471 the benefit of a corporation, limited liability  
1472 company or partnership, another individual  
1473 license holder may be substituted for the  
1474 deceased upon the filing of an application as  
1475 provided for herein, and the premises may  
1476 continue to sell alcoholic beverages pending  
1477 approval of the new license holder.

1478 (3) An application for substitution of another  
1479 license holder for the deceased license holder  
1480 shall be made within 90 days of the date of  
1481 death. Upon the filing of such an application,  
1482 and until a decision is made and issued as  
1483 provided herein, the license shall continue in  
1484 full force and effect, subject to all other  
1485 provisions of this chapter.

#### 1486 **H. Hours of operation**

1487 The hours during which the privileges conferred  
1488 by a license may be exercised shall be defined  
1489 as either Eastern standard or daylight saving  
1490 time, whichever is in effect on the date in  
1491 question.

### 1492 **§ 11-13 Restrictions upon license holders**

#### 1493 **A. General provisions**

1494 License holders are required to comply with  
1495 all applicable provisions of this chapter and  
1496 with all provisions of state law applicable to  
1497 Talbot County by virtue of § 11-20 of this  
1498 chapter, Article 2B, § 18-101, Annotated Code  
1499 of Maryland, or Article 25, § 3(ee), Annotated  
1500 Code of Maryland. Violation of any such pro-  
1501 vision is a misdemeanor, and in addition to  
1502 any criminal penalty, may result in adminis-  
1503 trative sanctions including revocation or sus-  
1504 pension of any license issued pursuant to this  
1505 chapter or the imposition of a fine, or any  
1506 combination thereof.

#### 1507 **B. Service by minors restricted**

1508 (1) No license holder shall allow a person to  
1509 act in the capacity of a bartender who is not at  
1510 least 21 years of age. For the purposes of this  
1511 section, a "bartender" is any person who mixes  
1512 or pours drinks for consumption on the  
1513 licensed premises.

1514 (2) No license holder shall allow a person to  
1515 act in the capacity of waiter or waitress who is  
1516 required to take orders for alcoholic beverages  
1517 unless said waiter or waitress is at least 18  
1518 years of age.

1519 (3) No license holder of a beer and light  
1520 wine license shall allow a person to act in the  
1521 capacity of a sales clerk authorized to sell or  
1522 offer for sale beer or light wine at retail who is  
1523 not at least 18 years of age.

1524 (4) No license holder of a beer, wine and  
1525 liquor license shall allow a person to act in the  
1526 capacity of a sales clerk authorized to sell or  
1527 offer for sale beer, wine or liquor at retail who  
1528 is not at least 21 years of age.

#### 1529 **C. Sales to minors and intoxicated persons** 1530 **prohibited**

1531 (1) No license holder under the provisions of  
1532 this chapter or any of the license holder's  
1533 employees or agents shall sell or furnish any  
1534 alcoholic beverages at any time to any person  
1535 except in conformance with the age limitations  
1536 as established from time to time by the State of  
1537 Maryland.

1538 (2) No license holder or any of the license  
1539 holder's employees or agents shall sell or  
1540 furnish any alcoholic beverages to any person  
1541 who at the time of such sale or delivery is  
1542 visibly under the influence of any alcoholic  
1543 beverage.

1544 (3) A violation of this section by an  
1545 employee or agent of a license holder shall be  
1546 deemed a violation by the license holder, who  
1547 shall be responsible for all alcoholic beverage  
1548 sales in or upon the licensed premises.

#### 1549 **D. Noise regulations**

1550 The Board may regulate the time and noise  
1551 level of the playing of mechanical music



1552 boxes, live music, and sound-making devices  
1553 that are used on licensed premises where the  
1554 sound disturbs the peace, tranquility, safety,  
1555 and health of the surrounding neighborhood.

1556 **E. Slot machine restriction**

1557 The Board shall be prohibited from issuing a  
1558 license under the provisions of this chapter to  
1559 any entity at any place at which one or more  
1560 slot machines are located, maintained, or  
1561 operated, unless the entity is a fraternal,  
1562 religious or veterans nonprofit organization  
1563 with a license to operate the slot machine(s)  
1564 issued by the Sheriff of Talbot County.

1565 **F. Alcohol Awareness Training**

1566 All employees involved in the sale of alcoholic  
1567 beverages shall successfully complete training  
1568 in an Alcohol Awareness Program within one  
1569 hundred eighty (180) days of the date of hire.  
1570 The Liquor Inspector may grant an extension  
1571 not to exceed sixty (60) days for Licensees  
1572 with less than three (3) employees whose  
1573 businesses would suffer undue hardship, due  
1574 to circumstances beyond the Licensee's  
1575 reasonable control. Any request for a waiver  
1576 must be submitted in writing within thirty (30)  
1577 days and contain all grounds in support of the  
1578 request.

1580 (1) For purposes of this section, "Approved  
1581 Alcohol Awareness Program," has the  
1582 meaning and is subject to the  
1583 requirements and time limitations set  
1584 forth in Article 2B § 13-101, Md. Ann.  
1585 Code, as amended from time to time.

1586 (2) Nothing in this section relieves the  
1587 licensee from compliance with any other  
1588 applicable State requirements regarding  
1589 alcohol awareness training.

1590 (3) This section may not be construed to  
1591 create or enlarge any civil cause of action  
1592 or criminal proceeding against a licensee.

1593 (4) Penalties. The Board shall impose the  
1594 following penalties on any licensee who  
1595 violates this section within any seven (7)  
1596 year period:

1597 (a) 1st offense, \$50.00 fine;

1598 (b) 2nd offense, \$200.00 to \$500.00  
1599 fine;

1600 (c) 3rd offense, 2-5 day suspension;  
1601 and,

1602 (d) 4th or subsequent offense, 10-30 day  
1603 suspension.

1604 **§ 11-14 Revocation and suspension of licenses**

1605 **A. General provisions**

1606 (1) Any license issued under the provisions  
1607 of this chapter may be revoked or suspended  
1608 by the Board for any cause which in the  
1609 judgment of the Board is necessary to promote  
1610 the peace or safety of the community in which  
1611 the place of business is situated. A license may  
1612 be revoked or suspended, and/or a fine  
1613 imposed by the Board based upon, but not  
1614 limited to, any of the following findings:

1615 (a) Conviction of the license holder for  
1616 violation of any of the provisions of this  
1617 chapter or of applicable state law regulating  
1618 the retail sale of alcoholic beverages.

1619 (b) Any finding of fact in a criminal  
1620 proceeding that would be sufficient to sustain  
1621 a judgment or verdict of guilt for any violation  
1622 of this chapter or applicable state law  
1623 regulating the retail sale of alcoholic  
1624 beverages, regardless of whether that finding  
1625 is stricken and probation before judgment is  
1626 granted.

1627 (c) Failure or refusal of any license holder to  
1628 comply with any provisions of this chapter or  
1629 any applicable state law, or any rule or  
1630 regulation that may be adopted pursuant to this  
1631 chapter.

1632 (d) The making of any material false  
1633 statement in any application for a license.

1634 (e) A conviction of one or more of the  
1635 clerks, agents, or employees of a license  
1636 holder for the violation of any of the  
1637 provisions of this chapter or applicable state  
1638 law on the licensed premises.

1639 (f) A finding by the Board that one or more  
1640 of the clerks, agents, or employees of a license  
1641 holder violated any of the provisions of this

chapter or of applicable state law on the licensed premises.

(g) Three or more violations of any provision of Chapter 159, Article I, Talbot County Code, Smoking. For purposes of this subsection, the Board may not amend, modify, or decline to impose the requisite suspension upon any licensee for the period designated in § 159-9C(2) following a determination that the requisite violations have occurred. [Added 2-3-2004 by Bill No. 934]

(2) For purposes of this section a conviction is deemed to have occurred whenever a person accused of a crime pleads guilty or nolo contendere or is found guilty of an offense.

(3) The following shall each be prima facie evidence of a violation:

(a) A sale or delivery of an alcoholic beverage by a license holder before or after the hours during which the privileges conferred by the applicable license may be exercised.

(b) An open container holding more than a trace of an alcoholic beverage, prior to or more than 30 minutes after the hours during which the privileges conferred by the applicable license may be exercised.

(c) Live entertainment or playing of electronic entertainment other than during the hours in which the privileges conferred by the applicable license may be exercised.

(d) Presence of person(s) on the premises prior to or more than 30 minutes after the hours during which the privileges conferred by the applicable license may be exercised, other than by those listed below:

[1] The owner, license holder or their agents or employees actually engaged in cleaning or preparing for the next day's operation.

[2] Entertainers actually engaged in preparing for opening or closing down after a performance.

[3] Delivery personnel actually making deliveries.

(e) The sale, delivery or furnishing of an alcoholic beverage by a license holder, clerk, agent or employee of a license holder to a minor on the licensed premises.

## B. Procedure for revocation or suspension

(1) The Board may, on its own initiative, or upon complaints by local citizens, or upon a complaint by the State's Attorney, any peace officer, or the County Health Officer, revoke or suspend any license issued under the provisions of this chapter or impose a monetary fine upon any license holder, or both. Such action shall not be taken until the Board has conducted a hearing upon the complaint, notice of which shall be mailed or delivered to the license holder at least 10 days before the hearing. Revocation or suspension hearings shall be conducted pursuant to § 11-10A of this chapter, except that the notification provisions thereof shall not apply. In addition, in a hearing under this section, the person or entity making the complaint to the Board shall be the first to present evidence to the Board; the license holder shall then present its evidence, to be followed by any further evidence to be presented by the complainant. The Board may permanently revoke or suspend a license for any period, or impose a fine, at its discretion, upon a finding that any provision of this chapter or any applicable state law has been violated, or upon a finding based upon clear and convincing evidence that the continued licensing of the premises in question constitutes a danger to the public health, safety, or welfare.

(2) Within 30 days of the hearing, the Board shall issue its decision, setting forth its findings, determination of any violations, and imposition of any penalty, sanction or fine. If no decision is issued by the Board within 30 days of the hearing, a finding of "no violation" shall result.

## § 11-15 Violations and penalties

A. Any person or license holder violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$1,000 or to imprisonment for not more than six months, or to both such fine and imprisonment; provided, however, that if applicable state law provides a greater

1736 penalty, the penalty provided by state law  
1737 shall prevail.

1738 B. Anyone charged with selling or furnishing  
1739 alcoholic beverages to a person not of legal  
1740 age in violation of § 11-13C shall be found  
1741 not guilty of said violation if such person  
1742 establishes to the satisfaction of the jury, or  
1743 the court sitting as a jury, that he used due  
1744 caution to establish that such person was of  
1745 legal age to purchase or be supplied alcoholic  
1746 beverages. The granting of probation before  
1747 judgment to a license holder or employee or  
1748 agent of a license holder for any alleged  
1749 violation of this chapter or applicable state  
1750 law does not bar the Board from proceeding  
1751 against the license holder for the violation.

1752 C. In lieu of suspending or revoking an  
1753 alcoholic beverages license pursuant to the  
1754 terms of this chapter, the Board may hold any  
1755 suspension in abeyance and impose a fine for  
1756 any violation of this chapter subject to the  
1757 following conditions:

1758 (1) The Board determines that the public  
1759 welfare and safety will not be impaired by  
1760 allowing the license holder to operate during  
1761 the suspension period and that payment of the  
1762 fine will achieve the desired disciplinary  
1763 purposes.

1764 (2) The fine assessed by the Board under this  
1765 subsection shall not exceed \$1,000 for each  
1766 violation.

1767 (3) All moneys collected under this  
1768 subsection shall be deposited into the general  
1769 funds of Talbot County.

1770 (4) The Board shall have promulgated such  
1771 rules and regulations as it deems necessary to  
1772 carry out the purposes of this subsection  
1773 including any conditions to be imposed on the  
1774 license holder as a condition of holding any  
1775 such suspension in abeyance.

1776 **§ 11-16 Bottle club restrictions; drive-through**  
1777 **sales**

1778 A. It shall be unlawful in Talbot County for any  
1779 bottle club to sell, serve, give, dispense, keep  
1780 or allow to be consumed on its premises, or  
1781 on premises under its control or possession,  
1782 any alcoholic beverages, setups or other  
1783 component parts of mixed alcoholic drinks.

1784 As used in this subsection, the term "bottle  
1785 club" shall mean any club which serves, sells,  
1786 gives, or dispenses alcoholic beverages to its  
1787 members or guests, or which keeps for its  
1788 members or guests any alcoholic beverages,  
1789 or which allows to be consumed on its  
1790 premises any alcoholic beverages, by its  
1791 members or guests, which beverages have  
1792 been reserved or purchased by the members  
1793 or guests; or any club at which patrons are  
1794 served, given, or allowed to consume  
1795 alcoholic beverages after legal closing hours  
1796 from any supplies that the patrons have  
1797 previously purchased or reserved; or any club  
1798 that sells, dispenses, serves, keeps, or allows  
1799 to be consumed any setups or other  
1800 component parts of mixed alcoholic drinks to  
1801 its members or guests.

1802 B. Drive-through sales prohibited. A licensee  
1803 shall not sell, offer to sell, or dispense  
1804 alcoholic beverages for off-premises  
1805 consumption through a facility commonly  
1806 known as a "walk-up" or "drive-through"  
1807 window. [Added 4-13-1999 by Bill No. 705]

1808 **§ 11-17 Enforcement**

1809 **A. Notification requirements**

1810 To aid in the enforcement of this chapter, it  
1811 shall be the responsibility of all law  
1812 enforcement personnel, including members of  
1813 the Maryland State Police, the Talbot County  
1814 Sheriff's Department, the Talbot County  
1815 State's Attorney's Office, the Natural  
1816 Resources Police, and each of the municipal  
1817 police departments in Talbot County, to notify  
1818 the Board of any violation citations issued to  
1819 any license holder under the provisions of this  
1820 chapter, within 48 hours of the issuance of the  
1821 citation. The Board shall notify law  
1822 enforcement personnel, including members of  
1823 the Maryland State Police, the Talbot County  
1824 Sheriff's Department, the Talbot County  
1825 State's Attorney's Office, the Natural  
1826 Resources Police, and the appropriate mun-  
1827 icipal police department, of any license issued  
1828 under the provisions of this chapter which is  
1829 revoked or suspended, or of any fines which  
1830 are imposed for a violation of this chapter.

1831 **B. Chemical test report**

1832 For the purpose of establishing that physical  
1833 evidence in a criminal proceeding or

1834 administrative hearing under the provisions of  
1835 this chapter contains or constitutes alcohol or  
1836 an alcoholic beverage, a report signed by the  
1837 chemist or analyst who performed the test or  
1838 tests as to its nature is prima facie evidence  
1839 that the material delivered to him was properly  
1840 tested under procedures approved by the  
1841 Department of Health and Mental Hygiene,  
1842 that those procedures are legally reliable, that  
1843 the material was delivered to him by the  
1844 officer or person stated in the report, and that  
1845 the material was or contained alcohol, without  
1846 the necessity of the chemist or analyst  
1847 personally appearing in court, or at any  
1848 hearing, provided the report identifies the  
1849 chemist or analyst as an individual certified by  
1850 the Department of Health and Mental Hygiene,  
1851 the Maryland State Police Department, the  
1852 Baltimore City Police Department, or any  
1853 County police department employing analysts  
1854 of controlled dangerous substances or alcohol,  
1855 as qualified under standards approved by the  
1856 Department of Health and Mental Hygiene to  
1857 analyze those substances, states that he made  
1858 an analysis of the substance under approved  
1859 procedures and also states that the substance,  
1860 in his opinion, is or contains alcohol. Nothing  
1861 in this section precludes the right of any party  
1862 to introduce any evidence supporting or  
1863 contradicting the evidence contained in or the  
1864 presumptions raised by the report.

#### 1865 C. Chain of custody

1866 (1) In this section, "chain of custody" means  
1867 the seizing officer; the packaging officer, if the  
1868 packaging officer is not also the seizing  
1869 officer; and the chemist or person who actually  
1870 touched the substance and not merely the outer  
1871 sealed package in which the substance was  
1872 placed by the law enforcement agency before  
1873 or during the analysis of the substance.

1874 (2) "Chain of custody" does not include a  
1875 person who handled the substance in any form  
1876 after analysis of the substance.

1877 (3) For the purpose of establishing, in a  
1878 criminal proceeding or an administrative  
1879 hearing under the provisions of this chapter,  
1880 the chain of physical custody or control of  
1881 evidence consisting of or containing a  
1882 substance tested or analyzed to determine  
1883 whether it is or contains alcohol, a statement  
1884 signed by each successive person in the chain  
1885 of custody that the person delivered it to the

1886 other person indicated on or about the date  
1887 stated is prima facie evidence that the person  
1888 had custody and made the delivery as stated,  
1889 without the necessity of a personal appearance  
1890 in court by the person signing the statement.  
1891 The statement shall contain a sufficient  
1892 description of the material or its container so  
1893 as to distinguish it as the particular item in  
1894 question and shall state that the material was  
1895 delivered in essentially the same condition as  
1896 received.

1897 (4) Nothing in this section precludes the  
1898 right of any party to introduce any evidence  
1899 supporting or contradicting the evidence  
1900 contained in or the presumption raised by the  
1901 statement.

#### 1902 D. Presence of chemist or analyst at criminal 1903 proceeding

1904 (1) In a criminal proceeding under the  
1905 provisions of this chapter, the prosecution  
1906 shall, upon written demand of a defendant  
1907 filed in the proceedings at least five days prior  
1908 to a trial in the proceeding, require the  
1909 presence of the chemist, analyst, or any person  
1910 in the chain of custody as a prosecution  
1911 witness.

1912 (2) The provisions of § 11-17B and C  
1913 concerning prima facie evidence do not apply  
1914 to the testimony of that witness. The  
1915 provisions of §§ 11-17 B and C are applicable  
1916 in a criminal proceeding only when a copy of  
1917 the report or statement to be introduced is  
1918 mailed, delivered, or made available to counsel  
1919 for the defendant or to the defendant  
1920 personally when the defendant is not  
1921 represented by counsel, at least 10 days prior  
1922 to the introduction of the report or statement at  
1923 trial.

1924 (3) Nothing contained in this section shall  
1925 prevent the defendant from summoning a  
1926 witness mentioned in this section as a witness  
1927 for the defense.

1928 (4) At an administrative proceeding, the  
1929 reports described in Subsections B and C  
1930 above shall be prima facie evidence without  
1931 the presence of the chemist, analyst, or any  
1932 person in the chain of custody. Nothing in this  
1933 section prevents the license holder or any other  
1934 party from summoning the chemist, analysts or  
1935 any other person in the chain of custody.



1936	E. Physical evidence. For the purpose of	1982	(4) Before a person qualifies as an inspector,
1937	establishing that physical evidence in a	1983	the person shall:
1938	criminal proceeding or an administrative		
1939	hearing under the provisions of this chapter	1984	i. Make an oath to faithfully perform the
1940	contains or constitutes alcohol, a sealed	1985	duties entrusted to him as an alcoholic
1941	container in its original unopened condition	1986	beverages inspector pursuant to this
1942	which has a label which states that it contains	1987	Chapter, as provided in Article I, § 9
1943	alcohol or is an alcoholic beverage is prima	1988	of the Constitution of Maryland; and,
1944	facie evidence that the contents of the		
1945	container are or include alcohol or an alcoholic	1989	ii. Furnish bond in the penalty sum of
1946	beverage.	1990	\$10,000 to the Board and the County
		1991	Council jointly, conditioned "that the
1947	<b>§ 11-17-1.1 Alcoholic beverages inspector</b>	1992	inspector shall well and faithfully
		1993	execute the office of Talbot County
1948	<b>A. Appointment</b>	1994	alcoholic beverages inspector in all
		1995	things appertaining thereto". The cost
1949	The County Manager, with the approval of the	1996	of the bond shall be paid by the
1950	Council, shall appoint an alcoholic beverages	1997	county.
1951	inspector and such deputies or assistants as the		
1952	Council may authorize from time to time. The	1998	<b>§ 11-17-1.2 Prohibited activities</b>
1953	inspector, his deputies and assistants, shall be		
1954	known as the "Talbot County alcoholic	1999	An inspector may not, during the entire term
1955	beverages inspector" or "inspector." After	2000	of his appointment:
1956	appointment, an inspector shall serve at-will,		
1957	and may be discharged by the County	2001	(1) Solicit or receive directly or indirectly
1958	Manager at any time with or without cause.	2002	any commission, remuneration or gift
		2003	whatsoever from any:
1959	(1) The budget for alcoholic beverages		
1960	inspections and Code enforcement shall	2004	(i) Person or corporation engaged in the
1961	be set by the Council in the Annual	2005	manufacture, distribution, or sale of
1962	Budget and Appropriation Ordinance.	2006	beer, wine, or other alcoholic
		2007	beverages;
1963	(2) The inspector shall report to the		
1964	Department of Administrative Services.	2008	(ii) Agent or employee of that person or
		2009	corporation; or
1965	<b>B. Qualifications</b>		
		2010	(iii) Licensee licensed under the
1966	(1) An inspector shall not have been	2011	provisions of this Chapter or the
1967	convicted of a felony or a crime of moral	2012	alcoholic beverage laws of the State of
1968	turpitude.	2013	Maryland.
1969	(2) A person may not qualify nor continue	2014	(2) Engage in any occupation, business, or
1970	service as an inspector if the inspector or	2015	profession in any way connected or
1971	the inspector's immediate family has any	2016	associated with the manufacture,
1972	personal or financial interest, either	2017	distribution, or sale of alcoholic
1973	directly or indirectly, in any license,	2018	beverages; and us
1974	licensee, or in any premises licensed		
1975	under the provisions of this Chapter, or	2019	(3) Transact any business of any kind
1976	in any business wholly or partially	2020	whatsoever beyond their official duties
1977	devoted to the manufacture, distribution,	2021	with any licensee, or in connection with
1978	or sale of alcoholic beverages.	2022	the operation of any establishment
		2023	licensed for the manufacture,
1979	(3) An inspector may not, during the entire	2024	distribution, or sale of alcoholic
1980	term of his appointment, hold any other	2025	beverages.
1981	public office, federal, State or local.		



2026	(4) Have any interest, direct or indirect,	2070	(8) Report all violations of the alcoholic
2027	either proprietary or by means of any	2071	beverages laws to the Board and to the
2028	loan, mortgage or lien, or in any other	2072	local jurisdiction in which the licenses
2029	manner, in or on any premises where	2073	premises are located; and,
2030	alcoholic beverages are manufactured,		
2031	distributed, or sold;	2074	(9) Give monthly written reports to the
		2075	Department of Administrative Services
2032	(5) Have any interest, direct or indirect, in	2076	covering all:
2033	any business wholly or partially devoted		
2034	to the manufacture, distribution, or sale	2077	(i) Inspection activities;
2035	of alcoholic beverages; or		
		2078	(ii) Complaints; and,
2036	(6) Own any stock in any corporation which		
2037	has any interest, proprietary or otherwise,	2079	(iii) Violations, either observed or
2038	direct or indirect, in any premises where	2080	reported
2039	alcoholic beverages are manufactured,		
2040	distributed, or sold or in any business	2081	(10) Promote alcohol education and
2041	wholly or partially devoted to the	2082	awareness training; and,
2042	manufacture, distribution, or sale of		
2043	alcoholic beverages.	2083	(11) Such other duties regarding admin-
		2084	istration and enforcement of Chapter 11,
2044	<b>§ 11-17-1.3 Powers</b>	2085	Talbot County Code, <i>Alcoholic</i>
		2086	<i>Beverages</i> , as the County Manager may
2045	For the purpose administration and	2087	prescribe from time to time.
2046	enforcement of the alcoholic beverages laws		
2047	before the Board, the inspector shall have the	2088	<b>§ 11-17-1.4 Commission, Profit, or</b>
2048	power to:	2089	<b>Remuneration Prohibited</b>
2049	(1) Enforce all alcoholic beverages laws;	2090	No person or corporation engaged in the
		2091	manufacture, distribution, or sale of beer,
2050	(2) Investigate all complaints and violations	2092	wine, or other alcoholic beverages, nor any
2051	of the alcoholic beverages laws;	2093	licensee licensed under the provisions of this
		2094	Chapter, including any agent or employee of
2052	(3) Investigate all applicants for an alcoholic	2095	that person, corporation, or licensee, either
2053	beverages license or transfer of license;	2096	directly or indirectly, may offer to pay any
		2097	commission, profit, or remuneration, or make
2054	(4) Serve summonses and subpoenas,	2098	any gift to any commissioner, alcoholic
2055	conduct inspections, and investigate	2099	beverages inspector, or employee of the
2056	violations of this Chapter;	2100	Board or to anyone on behalf of that
		2101	commissioner, inspector, or employee of the
2057	(5) Issue civil citations as provided in § 10-	2102	Board, nor may any commissioner or
2058	119 of the Criminal Law Article, Md.	2103	employee of the Board solicit or receive,
2059	Ann. Code, upon probable cause to	2104	directly or indirectly, any such commission,
2060	believe that the person charged is	2105	profit, remuneration, or gift whatsoever.
2061	committing or has committed a Code	2106	Upon a finding of a violation of this section
2062	violation;	2107	by a licensee, the license shall be revoked.
		2108	Upon a finding of a violation of this section
2063	(6) Initiate administrative proceedings	2109	by any other person on behalf of or
2064	before the Board to revoke, suspend, or	2110	concerning any license or licensee, the
2065	restrict a license;	2111	license shall be revoked unless the Board
		2112	shall find that said action was unauthorized,
2066	(7) Visit and inspect at unannounced times	2113	in which case the license shall be suspended
2067	every licensed premises in the county as	2114	for a period of not less than 30 days nor more
2068	directed by the Department of	2115	than one year.
2069	Administrative Services;		

2116 § 11-17-1.5 Inspections; beverages as evidence

2117 The Alcoholic Beverages Inspector, and his  
2118 duly authorized deputies or assistants, any  
2119 peace officer of the county, and any peace  
2120 officer of the town in which the premises are  
2121 located, or any of them, shall be fully  
2122 authorized to inspect and search, without  
2123 warrant, at all hours, any building and  
2124 premises in which any alcoholic beverages  
2125 are authorized to be kept, transported,  
2126 manufactured, or sold under a license or  
2127 permit issued under the provisions of this  
2128 Chapter, and any evidence discovered during  
2129 any such inspections shall be admissible in  
2130 any prosecution for the violation of the  
2131 provisions of this Chapter, and in any hearing  
2132 for revocation, suspension, or restriction of  
2133 the alcoholic beverage license or permit. Any  
2134 alcoholic beverages taken as evidence shall  
2135 be returned to the license or permit holder if  
2136 he be adjudged not guilty; otherwise they  
2137 shall be sold to license holders, turned over to  
2138 State institutions for medicinal use, or  
2139 destroyed. Receipts from such sales shall be  
2140 credited to the general fund of the County.

2141 § 11-18 Appeals

2142 A. General provisions

2143 (1) Appeals from decisions of the Board  
2144 shall be to the Circuit Court for Talbot County,  
2145 in accordance with the Maryland Rules of  
2146 Procedure applicable to administrative  
2147 appeals.

2148 (2) The decision approving, suspending,  
2149 revoking, restricting, or refusing to approve,  
2150 suspend, revoke or restrict any license or  
2151 licensee shall be subject to appeal in the  
2152 manner provided in this section.

2153 B. Who may appeal

2154 A licensee, a license applicant, or a group of  
2155 not less than 10 persons who reside in Talbot  
2156 County may appeal a final decision of the  
2157 Board to the Circuit Court if the licensee,  
2158 license applicant, or the group is aggrieved by  
2159 the decision and has appeared at the hearing of  
2160 the Board either:

2161 (1) In person or by representative; or

2162 (2) By the submission of a written document  
2163 that was introduced at the hearing.

2164 C. Court costs

2165 The Clerk of the Circuit Court, before  
2166 docketing an appeal, shall first collect, from  
2167 the person or persons so appealing, all court  
2168 costs and a statement from the Board that the  
2169 costs for getting records and transcripts of  
2170 proceedings of the hearing before the Board  
2171 have been paid. Costs may not be assessed  
2172 against the Board.

2173 D. Scope of appeal

2174 (1) Upon the hearing of such appeal, the  
2175 action of the Board shall be presumed by the  
2176 court to be proper and to best serve the public  
2177 interest. The burden of proof shall be upon the  
2178 petitioner to show that the decision  
2179 complained of was against the public interest  
2180 and that the Board's discretion in rendering its  
2181 decision was not honestly and fairly exercised,  
2182 or that such decision was arbitrary, or procured  
2183 by fraud, or unsupported by any substantial  
2184 evidence, or was unreasonable, or that such  
2185 decision was beyond the powers of the Board  
2186 and was illegal. The case shall be heard by the  
2187 court without the intervention of a jury. If in  
2188 the opinion of the court it is impracticable to  
2189 determine the question presented to the court,  
2190 in the case on appeal, without the hearing of  
2191 additional evidence, or if in the opinion of the  
2192 court any qualified litigant has been deprived  
2193 of the opportunity to offer evidence, or if the  
2194 interests of justice otherwise require that  
2195 further evidence should be taken, the court  
2196 may hear such additional testimony to such  
2197 extent and in such manner as may be necessary  
2198 or may remand the case to the Board for that  
2199 purpose.

2200 (2) In such actions of appeal the Board may  
2201 be represented by its attorney.

2202 (3) The Board's decision shall be affirmed,  
2203 modified, reversed, or remanded to the Board.  
2204 Costs shall be awarded as in other civil cases.

2205 E. Further appeals

2206 Further appeals shall be governed by the  
2207 provisions of Article 2B, § 16-101, Annotated  
2208 Code of Maryland.

2209 **§ 11-19 Supplemental municipal regulation**

2210 Municipalities within Talbot County may  
2211 restrict the retail sale of alcoholic beverages  
2212 within their respective jurisdictions through  
2213 adoption of local zoning ordinances.  
2214 Enforcement of any ordinance so enacted shall  
2215 be the responsibility of the municipality.

2216 **§ 11-20 Conflict with other regulations**

2217 Any law enacted by the Talbot County  
2218 Council pursuant to the grant of express  
2219 powers in Article 25, § 3(ee), or Article 2B,  
2220 § 18-101, Annotated Code of Maryland, shall  
2221 prevail over any provision of the Code of  
2222 Public General Laws of Maryland regulating  
2223 the retail sale of alcoholic beverages.  
2224 However, unless and until the Talbot County  
2225 Council enacts a law which is contrary to a  
2226 provision of the Code of Public General Laws  
2227 regulating the retail sale of alcoholic bev-  
2228 erages, the provisions of the Code of Public  
2229 General Laws shall remain in effect.

EFFECTIVE DATE: This bill shall take effect for all new licenses and licensees 60 days after enactment. For all existing licenses and licensees, this bill shall become effective only in connection with, upon, and following any renewal of the existing license(s).